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Resolution adopted by the Economic and Social Council on 26 July 2016

[*on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2016/30)*]

2016/17. Restorative justice in criminal matters

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled "Development and implementation of mediation and restorative justice measures in criminal justice", in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

Recalling also its resolutions 2000/14 of 27 July 2000 and 2002/12 of 24 July 2002, both entitled "Basic principles on the use of restorative justice programmes in criminal matters",

Taking note with appreciation of the handbook on restorative justice programmes prepared by the United Nations Office on Drugs and Crime,[1] which provides an overview of key considerations in the implementation of participatory responses to crime based on a restorative justice approach, and noting the efforts made by the Office in providing capacity-building activities on the use of restorative justice processes, in particular in the context of juvenile justice,

Taking into account the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[2]

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under the agenda item entitled "Offenders and victims: accountability and fairness in the justice process",[3]

Recalling General Assembly resolution 56/261 of 31 January 2002, entitled "Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century", in particular the

[1] *Handbook on Restorative Justice Programmes*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.06.V.15).

[2] General Assembly resolution 40/34, annex.

[3] See A/CONF.187/15, chap. V, sect. E.

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action on restorative justice in order to follow up the commitments undertaken in paragraph 28 of the Vienna Declaration,[4]

Recalling also General Assembly resolution 61/295 of 13 September 2007 and the United Nations Declaration on the Rights of Indigenous Peoples annexed thereto,

Taking note of General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", which includes in Sustainable Development Goal 16 a call for ensuring responsive, inclusive, participatory and representative decision-making at all levels,

Emphasizing that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, Member States stressed the need to reinforce alternatives to imprisonment, which may include restorative justice,

Emphasizing also that, in the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 69/194 of 18 December 2014, it is recognized that an important and highly effective way of reducing the number of children in contact with the justice system is through diversion measures, restorative justice programmes and the use of non-coercive treatment and education programmes as alternative measures to judicial proceedings, and noting the efforts of the United Nations Office on Drugs and Crime and the United Nations Children's Fund in developing a global programme in this regard,

Noting the discussions on restorative juvenile justice at the World Congress on Juvenile Justice, held in Geneva from 26 to 30 January 2015,

Taking note with appreciation of General Assembly resolution 70/174 of 17 December 2015, entitled "Thirteenth United Nations Congress on Crime Prevention and Criminal Justice", in which the Assembly endorsed the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, in which Heads of State and Government, ministers and representatives of Member States affirmed their endeavour, inter alia, to review or reform their restorative justice and other processes in support of successful reintegration,

Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders, that participants in restorative justice processes must be protected by appropriate safeguards and that restorative justice processes should take into account the principle of proportionality and be used only with the free, informed and voluntary consent of the victim and the offender,

Reaffirming the shared commitment to universal respect for and observance of all human rights and fundamental freedoms, and recognizing that restorative justice processes can be adapted to established criminal justice systems and complement those systems, taking into account legal, social, economic and cultural circumstances,

[4] General Assembly resolution 55/59, annex.

Recognizing the need to ensure that restorative justice processes are gender-sensitive and uphold the rule of law,

Taking into account that restorative justice processes, such as victim-offender mediation, community and family group conferencing, circle sentencing, peacemaking and truth and reconciliation commissions, can contribute to a wide range of beneficial outcomes, including redressing the harm done to the victims, holding offenders accountable for their actions and engaging the community in the resolution of conflict,

1. *Requests* the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, the institutes of the United Nations crime prevention and criminal justice programme network and other relevant stakeholders with experience in restorative justice processes on the use and application of the basic principles on the use of restorative justice programmes in criminal matters, annexed to its resolution 2002/12, and on national experiences and best practices in using and applying restorative justice processes;

2. *Also requests* the Secretary-General, subject to the availability of extrabudgetary resources, to convene a meeting of restorative justice experts in collaboration with Member States, relevant United Nations entities, including the Permanent Forum on Indigenous Issues, the institutes of the United Nations crime prevention and criminal justice programme network and other relevant stakeholders with experience in restorative justice processes, in order to review the use and application of the basic principles on the use of restorative justice programmes in criminal matters, as well as new developments and innovative approaches in the area of restorative justice;

3. *Encourages* Member States, where appropriate, to facilitate restorative justice processes, in accordance with national law, including through the establishment of procedures or guidelines on the conditions for such services;

4. *Also encourages* Member States to assist one another in the exchange of experiences on restorative justice, the development and implementation of research, training or other programmes and activities to stimulate discussion, including through relevant regional initiatives;

5. *Invites* Member States to consider providing technical assistance to developing countries and countries with economies in transition, upon request, including through voluntary contributions to the United Nations Office on Drugs and Crime, to assist them in the development and implementation of restorative justice programmes, where appropriate;

6. *Invites* the United Nations Office on Drugs and Crime to develop training materials on restorative justice and continue to offer training and other capacity-building opportunities in this regard, in particular for practitioners working in the areas of crime prevention and criminal justice, and to make available and disseminate information on successful restorative justice models and practices, in close coordination with the institutes of the United Nations crime prevention and criminal justice programme network;

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide advisory services and technical assistance to Member States, upon request, in the area of restorative juvenile justice;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its session following the meeting of experts referred to in paragraph 2 above, on the outcome of the meeting and on other efforts made in implementation of the present resolution;

9. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

47th plenary meeting
26 July 2016